

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: JOHN HASTINGS,) OEIG Case #12-00447

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to John Hastings at his last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. Receipt of Anonymous Complaint

The Office of Executive Inspector General (“OEIG”) received an anonymous complaint alleging that Illinois Department on Aging (“IDOA”) employee John Hastings¹ used his State computer to view pornography on the Internet. The OEIG finds that the allegations are founded and recommends that Mr. Hastings be immediately discharged.²

II. Investigation

A. OEIG’s Investigation Prior to Seizure of John Hastings’s State Computer

¹ John Hastings is an IDOA Information Systems Analyst and his duties and responsibilities include authoring computer code and inputting electronic data relating to various IDOA programs.

²

In an effort to substantiate the anonymous complaint relating to Mr. Hastings, OEIG investigators conducted interviews of various IDOA employees. The interviews provided sufficient information to support the anonymous complaint.

In light of the interviews and information received, the OEIG seized Mr. Hastings's State computer for the purpose of conducting a forensic analysis.

B. November 29, 2012 Seizure of John Hastings's State Computer

On Thursday, November 29, 2012, OEIG investigators seized Mr. Hastings's State computer. After the seizure, an OEIG forensic investigator began conducting an initial review of the images and videos located on the computer.

This initial review revealed 225 sexually explicit images. The initial review also revealed 13 sexually explicit images of a man, and a sexually explicit video of the same man, whom the OEIG later identified as Mr. Hastings.

C. Interview of John Hastings

On Friday, November 30, 2012, the day after the computer seizure, OEIG investigators interviewed John Hastings. Mr. Hastings attended the interview along with his union representative and was provided a written copy of his Administrative Rights, which he read and signed. Mr. Hastings also consented to the audio recording of the interview. During his interview, Mr. Hastings stated as follows:

- He was familiar with IDOA policies regarding the use of State time, computers, and email;
- He [REDACTED] [engaged in inappropriate activity at work] [REDACTED];
- He took [inappropriate] photos [at work] [REDACTED] [REDACTED];
- The [inappropriate] photos of the man [REDACTED] located on his State computer were the photos he took;
- He used his State computer to send several [inappropriate] pictures [REDACTED] via personal email;
- He used his State computer and State email account to send an unsolicited [inappropriate] photo [REDACTED] to a female coworker;
- He took a[n inappropriate] video [at work] [REDACTED];
- The video of a man [engaging in inappropriate activity] [REDACTED] located on his State computer was the one he took; and
- He used his State computer "every couple of days" to view sexually explicit images that he stored in his personal email archive.

Mr. Hastings also described other inappropriate activity he engaged in and said that he knew the above-referenced activity he engaged in was inappropriate. In addition, Mr. Hastings stated that about ten years ago, he had been suspended for "one week or two weeks" for using his

State computer to view sexually explicit images. At the conclusion of his interview, Mr. Hastings provided the OEIG with a written statement in which he wrote as follows:

I just want to be open and admit that I abused State time & computer (sic). I am willing to do anything that the Agency requires, counseling, classes, etc. [REDACTED]

[Two sentences redacted.]

At heart, I'm a good worker but tend to get side tracked easily.

Mr. Hastings confirmed in his written statement that he had abused State time and his State computer by "using email, Internet, electronic personal phone and/or personal thumb drive." Mr. Hastings also confirmed in his written statement that his "problem" was "taking photos [REDACTED] on work time using State equipment."

III. Analysis

The IDOA Employee Handbook establishes the code of conduct by which all employees must abide. This includes policies relating to appropriate work place behavior, computer use, and email use. Specifically, IDOA employees are required to refrain from conduct that could adversely affect the confidence of the public.³ IDOA employees are also prohibited from using IDOA computer equipment⁴ or email accounts⁵ to engage in any activity unrelated to official IDOA business.

A. John Hastings Violated the IDOA Policy Regarding Personal Conduct

As set forth above, John Hastings admitted that he engaged in highly inappropriate conduct. Mr. Hastings's conduct in the workplace is patently unacceptable and would adversely affect the confidence of the public. Therefore, the allegation that John Hastings violated IDOA policy regarding personal conduct is **FOUNDED**.

B. John Hastings Violated the IDOA Computer Use Policy

John Hastings admitted misusing his State computer by loading [inappropriate] images and a video [REDACTED], and thereafter sending images by personal email. He also admitted viewing sexually explicit images sent from third parties by email on his State computer. Therefore, the allegation that John Hastings misused his State computer is **FOUNDED**.

C. John Hastings Violated the IDOA Email Use Policy

³ IDOA Employee Handbook Section V: Employee Personal Conduct.

⁴ IDOA Employee Handbook Section V: Employee Personal Conduct, Use of Computers, Related Equipment, Software, System Information and the Internet.

⁵ IDOA Employee Handbook Section V: Employee Personal Conduct, Electronic Mail.

John Hastings admitted that he used his State email account to send a female coworker a[n inappropriate] picture [REDACTED]. Therefore, the allegation that John Hastings misused his State email account is **FOUNDED**.

IV. Recommendation

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – John Hastings violated IDOA policy by engaging in highly inappropriate conduct during work hours and at his work site.
- **FOUNDED** – John Hastings violated IDOA policy by using his State computer by loading [inappropriate] images and a video [REDACTED], and by viewing sexually explicit images sent by third parties.
- **FOUNDED** – John Hastings violated IDOA policy by using his State email account to send a female coworker a[n inappropriate] photo [REDACTED].

In light of the serious nature of misconduct revealed by this investigation, the OEIG recommends that IDOA immediately terminate John Hastings.

No further investigation is required and this matter is considered closed.

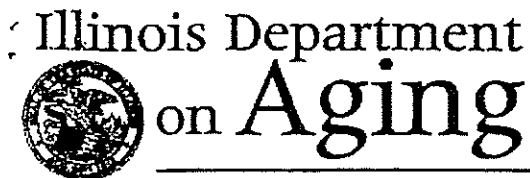
Date: **December 4, 2012**

Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 East Adams, 14th Floor
Springfield, IL 62701

James Jennings
Assistant Inspector General

Donald Meeks #111
Supervising Investigator

Melissa Kindermann
Investigator #160



Illinois Department on Aging

John K. Holton, Ph.D., Director

One Natural Resources Way, Suite 100, Springfield, Illinois 62702-1271
Phone: 217-785-3356, Fax: 217-785-4477, Web: www.state.il.us/aging

February 27, 2013

CONFIDENTIAL

Neil P. Olson
Deputy Inspector General
Office of the Executive Inspector General
607 East Adams, 16th floor
Springfield, Illinois 62701

Re: OEIG Case No.12-00447-J.Hastings

Dear Mr. Olson:

This letter is to inform you that there are no pending appeals or grievances filed by Mr. Hastings after the Illinois Department on Aging ("IDoA") discharged him on December 11, 2012. Mr. Hastings' union representative withdrew his grievance against IDoA. Additionally, IDoA has verified that there is no pending appeal filed by Mr. Hastings before the Civil Service Commission.

Should you have any further questions or concerns, please feel free to contact me.

Sincerely,

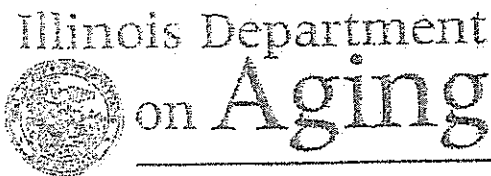
John K. Holton
Director, Illinois Department on Aging

cc: Mary Killough, Deputy Director
Deb Shipley, Chief of Staff
Rukhaya AliKhan, General Counsel
Sara Han, Human Resources Administrator

RECEIVED
MAR 07 2013
BY: _____

Respect for yesterday. Support for today. Hope for tomorrow.

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal statutes. If you feel you have been discriminated against, call the Senior HelpLine at 1-800-252-8966; 1-888-206-1327 (TTY).



John K. Holton, Ph.D., Director

160 N. LaSalle Street, 7th Floor, Chicago, Illinois 60601-3103

Phone: 312-814-2630, Fax: 312-814-2916, Web: www.state.il.us/aging

December 7, 2012

CONFIDENTIAL

Neil P. Olson
Deputy Inspector General
Office of the Executive Inspector General
607 East Adams, 16th floor
Springfield, Illinois 62701

Re: OEIG Case No.12-00447-Final Report

Dear Mr. Olson:

I am in receipt of your office's final report for OEIG # 12-00447. I, along with senior management in the Illinois Department on Aging (IDoA), have reviewed the findings and discussed the report's contents. IDoA would like to refer the matter to the Illinois State Police ("ISP") and/or local law enforcement authorities for further criminal investigation, and requests that you please maintain possession of the evidentiary materials, including the computer, recorded interviews and any paper documentation and/or images. Ultimately, IDoA would like law enforcement authorities to securely retrieve the computer and all other evidentiary materials from your office for further examination.

As you may already know, IDoA has expeditiously issued a pre-disciplinary notice to Mr. Hastings with the intent to discharge him as soon as possible. As Mr. Hastings is an employee falling under a collective bargaining agreement, the agency is required to follow certain processes when initiating discipline. We take the Office of the Executive Inspector General's findings very seriously as they demonstrate egregious and reprehensible behavior.

Should you have any further questions or concerns, please feel free to contact me.

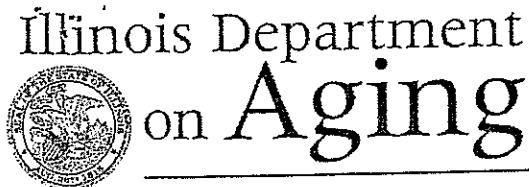
Sincerely,

John K. Holton, PhD
Director, Illinois Department on Aging

cc: Jon Lavin, Chief of Staff, Office of the Governor
John Schomberg, General Counsel, Office of the Governor
Amalia Rioja, Senior Counsel, Office of the Governor

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Illinois Department

on Aging

John K. Holton, Ph.D., Director

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December 21, 2012

RECEIVED

DEC 26 2012

BY: _____

CONFIDENTIAL

Neil P. Olson
Deputy Inspector General
Office of the Executive Inspector General
607 East Adams, 16th floor
Springfield, Illinois 62701

Re: OEIG Case No.12-00447-Evidentiary Materials

Dear Mr. Olson:

Please consider this letter amended correspondence to my letter dated December 7, 2012, regarding OEIG # 12-00447. After further consideration and discussion, IDoA has decided not to proceed with a referral to the Illinois State Police ("ISP") for further criminal investigation. As you know, IDoA has discharged Mr. Hastings, and requests that the OEIG deliver the employee's computer and other evidentiary materials back to the agency. Please contact IDoA's Chief of Staff for Operations, Deb Shipley, to coordinate an appropriate time to drop off these confidential materials. Ms. Shipley can be reached at (217) 785-3393.

Should you have any further questions or concerns, please feel free to contact me.

Sincerely,

John K. Holton, PhD
Director, Illinois Department on Aging

cc: Mary Killough, Deputy Director
Deb Shipley, Chief of Staff
Rukhaya AliKhan, General Counsel, Ethics Officer
Sara Han, Human Resources Administrator

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OFFICE OF EXECUTIVE INSPECTOR GENERAL
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900
CHICAGO, ILLINOIS 60601
(312) 814-5600

CONFIDENTIAL

April 2, 2013

Via Electronic & U.S. Mail

Chad Fornoff
Executive Director
Executive Ethics Commission
401 S. Spring Street
513 William Stratton Building
Springfield, IL 62706

Re: Release of Redacted Report: OEIG Case No. 12-00447

Dear Executive Director Fornoff:

Pursuant to your letter dated March 19, 2013, our Office has reviewed the Final Report and responses issued in the above-referenced matter, which the Executive Ethics Commission (EEC) intends to make public.

We respectfully suggest that the name of subject John Hastings and any information identifying him be redacted from any Final Report and response published by the EEC. We do not believe public disclosure of Mr. Hastings's misconduct has to include public disclosure of his identity. In our opinion, identifying Mr. Hastings by name will in no way assist in preventing future misconduct of this type but serves only to publicly humiliate him and ultimately his family.

If the EEC does not wish to redact Mr. Hastings's name, we request that the EEC make this letter public pursuant to Section 20-52 of the State Officials and Employees Ethics Act.

Thank you for the opportunity to offer this suggestion for redactions. If you have questions, please do not hesitate to contact me at your convenience.

Sincerely,

Ricardo Meza
Executive Inspector General